



General Assembly

February Session, 2004

Raised Bill No. 5497

LCO No. 1811

01811_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE SALE OF ALCOHOL AND TOBACCO PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) and (e) of section 30-86 of the general
2 statutes, as amended by section 71 of public act 03-19, are repealed and
3 the following is substituted in lieu thereof (*Effective October 1, 2004*):

4 [(d) (1) No permittee or permittee's agent or employee shall
5 electronically or mechanically record or maintain any information
6 derived from a transaction scan, except the following: (A) The name
7 and date of birth of the person listed on the driver's license or identity
8 card presented by a cardholder; (B) the expiration date and
9 identification number of the driver's license or identity card presented
10 by a cardholder.

11 (2) No permittee or permittee's agent or employee shall use a
12 transaction scan device for a purpose other than the purposes specified
13 in subsection (c) of this section or subsection (d) of section 53-344.]

14 (d) (1) A permittee or permittee's agent or employee may (A)

15 photocopy a cardholder's identity card or driver's license, and (B)
16 require such person to sign in as a record of identification as
17 conditions of selling, giving away or otherwise distributing alcoholic
18 liquor to such cardholder.

19 ~~[(3)]~~ (2) No permittee or permittee's agent or employee shall sell or
20 otherwise disseminate the information derived from a transaction scan
21 to any third party for any purpose, including, but not limited to, any
22 marketing, advertising or promotional activities, except that a
23 permittee or permittee's agent or employee may release that
24 information pursuant to a court order.

25 ~~[(4)]~~ (3) Nothing in subsection (c) of this section or this subsection
26 relieves a permittee or permittee's agent or employee of any
27 responsibility to comply with any other applicable state or federal laws
28 or rules governing the sale, giving away or other distribution of
29 alcoholic liquor.

30 ~~[(5)]~~ (4) Any person who violates this subsection shall be subject to a
31 civil penalty of not more than one thousand dollars.

32 (e) (1) In any prosecution of a permittee or permittee's agent or
33 employee for selling alcoholic liquor to a minor in violation of
34 subsection (b) of this section, it shall be an affirmative defense that all
35 of the following occurred: (A) A cardholder attempting to purchase or
36 receive alcoholic liquor presented and had photocopied a driver's
37 license or an identity card; (B) a transaction scan of the driver's license
38 or identity card that the cardholder presented indicated that the license
39 or card was valid; and (C) the alcoholic liquor was sold, given away or
40 otherwise distributed to the cardholder in reasonable reliance upon the
41 identification presented and the completed transaction scan.

42 (2) In determining whether a permittee or permittee's agent or
43 employee has proven the affirmative defense provided by subdivision
44 (1) of this subsection, the trier of fact in such prosecution shall consider
45 that reasonable reliance upon the identification presented and

46 photocopied and the completed transaction scan may require a
47 permittee or permittee's agent or employee to exercise reasonable
48 diligence and that the use of a transaction scan device does not excuse
49 a permittee or permittee's agent or employee from exercising such
50 reasonable diligence to determine the following: (A) Whether a person
51 to whom the permittee or permittee's agent or employee sells, gives
52 away or otherwise distributes alcoholic liquor is twenty-one years of
53 age or older; and (B) whether the description and picture appearing on
54 the driver's license or identity card presented by a cardholder are those
55 of the cardholder.

56 Sec. 2. Subsections (e) and (f) of section 53-344 of the general statutes
57 are repealed and the following is substituted in lieu thereof (*Effective*
58 *October 1, 2004*):

59 [(e) (1) No seller or seller's agent or employee shall electronically or
60 mechanically record or maintain any information derived from a
61 transaction scan, except the following: (A) The name and date of birth
62 of the person listed on the driver's license or identity card presented by
63 a cardholder; (B) the expiration date and identification number of the
64 driver's license or identity card presented by a cardholder.

65 (2) No seller or seller's agent or employee shall use a transaction
66 scan device for a purpose other than the purposes specified in
67 subsection (d) of this section or subsection (c) of section 30-86.]

68 (e) (1) A permittee or permittee's agent or employee may (A)
69 photocopy a cardholder's identity card or driver's license, and (B)
70 require such person to sign in as a record of identification as
71 conditions of selling, giving away or otherwise distributing tobacco to
72 such cardholder.

73 [(3)] (2) No seller or seller's agent or employee shall sell or otherwise
74 disseminate the information derived from a transaction scan to any
75 third party, including, but not limited to, selling or otherwise
76 disseminating that information for any marketing, advertising or

77 promotional activities, but a seller or seller's agent or employee may
78 release that information pursuant to a court order.

79 ~~[(4)]~~ (3) Nothing in subsection (d) of this section or this subsection
80 relieves a seller or seller's agent or employee of any responsibility to
81 comply with any other applicable state or federal laws or rules
82 governing the sale, giving away or other distribution of tobacco.

83 ~~[(5)]~~ (4) Any person who violates this subsection shall be subject to a
84 civil penalty of not more than one thousand dollars.

85 (f) (1) In any prosecution of a seller or seller's agent or employee for
86 a violation of subsection (b) of this section, it shall be an affirmative
87 defense that all of the following occurred: (A) A cardholder attempting
88 to purchase or receive tobacco presented and had photocopied a
89 driver's license or an identity card; (B) a transaction scan of the driver's
90 license or identity card that the cardholder presented indicated that the
91 license or card was valid; and (C) the tobacco was sold, given away or
92 otherwise distributed to the cardholder in reasonable reliance upon the
93 identification presented and the completed transaction scan.

94 (2) In determining whether a seller or seller's agent or employee has
95 proven the affirmative defense provided by subdivision (1) of this
96 section, the trier of fact in such prosecution shall consider that
97 reasonable reliance upon the identification presented and photocopied
98 and the completed transaction scan may require a seller or seller's
99 agent or employee to exercise reasonable diligence and that the use of
100 a transaction scan device does not excuse a seller or seller's agent or
101 employee from exercising such reasonable diligence to determine the
102 following: (A) Whether a person to whom the seller or seller's agent or
103 employee sells, gives away or otherwise distributes tobacco is eighteen
104 years of age or older; and (B) whether the description and picture
105 appearing on the driver's license or identity card presented by a
106 cardholder is that of the cardholder.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Purpose:

To allow a permittee to photocopy a person's driver's license or identity card as a condition of selling alcohol or tobacco.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]